

**REMARKS**

Claims 1-9, 12, 14-16 and 23 are currently pending in this application. Claims 10, 11, 13 and 17-22 have been canceled. Claims 1, 12, 14, 15 and 23 have been amended. No new matter has been added by these amendments nor do the amendments raise new issues that would require further consideration and/or search. Applicants have carefully reviewed the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

**Claim Rejections Under 35 U.S.C. §103**

Claims 1-3, 5-7 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,787,389 (Tarjan) in view of U.S. Patent Publication 2004/0243183 (Norton).

Independent claim 1 has been amended to include the subject matter of objected claim 13 and intervening claims 10 and 11. Accordingly, Applicants request reconsideration of the §103 rejections of claim 1, and dependent claims 2, 3, 5-7 and 9.

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tarjan in view of Norton and further in view of Official Notice. Claims 10 and 14-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tarjan in view of Norton and further in view of U.S. Patent No. 5,376,103 (Anderson). Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Pilz in view of Norton and Anderson and further in view of U.S. Patent No. 5,755,742 (Schuelke). Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tarjan in view of Norton, Anderson and Schuelke and further in view of U.S. Patent No. 4,796,630 (Regna). Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tarjan in view of Norton and further in view of U.S. Patent No. 6,044,295 (Pilz) and U.S. Patent No. 5,558,962 (Marincic).

In view of amended independent claim 1, Applicants believe the rejections of claims 4, 8, 12 and 14-16 under §103 are moot as each of these claims depends from allowable independent claim 1.

Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,545,183 (Altman) in view of U.S. Patent No. 6,044,295 (Pilz).

Claim 23 has been amended to recite subject matter similar to canceled claim 13 and amended independent claim 1, including ventricular tip and ring electrodes and atrial tip and ring electrodes for delivering pacing pulses; a ventricular coil electrode for delivering shocking pulses; a switch operative to hold the atrial and ventricular ring electrodes at a voltage equal to that of the ventricular coil electrode during shocking pulse delivery and to hold a ring electrode at a voltage relative to a tip electrode to deliver a pacing pulse. Because claim 23 has been amended to include the subject matter of already examined claim 13, the amendment does not raise new issues that would require further consideration and/or search.

Altman discloses a switch that connects a defibrillation electrode and a ring electrode before delivery of high voltage therapy. See column 6, lines 22-26. Altman does not teach or suggest holding atrial and ventricular ring electrodes at a voltage equal to that of a ventricular coil electrode during shocking pulse delivery.

Pilz discloses an implantable medical device that includes two batteries. Both batteries are electrically coupled to control circuitry such that if the one battery that normally powers the control circuitry experiences a voltage drop, the other battery begins to power the control circuitry. See figure 1 and column 6, lines 46-56. Pilz does not teach or suggest holding atrial and ventricular ring electrodes at a voltage equal to that of a ventricular coil electrode during shocking pulse delivery.

In view of the foregoing, Applicants submit that neither Altman nor Pilz, either alone or in combination, teach or suggest the combination of elements and features recited in independent claim 23. Accordingly, Applicants request reconsideration of the §103 rejections of claim 23.

**CONCLUSION**

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, allowance of Applicants' claims 1-9, 12, 14-16 and 23 is believed to be in order.

Respectfully submitted,

16 NOV 2006  
Date

  
\_\_\_\_\_  
David S. Sarisky  
Attorney for Applicant  
Reg. No. 41,288  
818-493-3369

**CUSTOMER NUMBER: 36802**